

PROB 12C  
(7/93)

**United States District Court**

**for**

**District of New Jersey**

**Petition for Warrant or Summons for Offender Under Supervision**

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2006 APR 17 P 5:23

UNITED STATES  
DISTRICT COURT  
Cr.: 02-00827-001

Name of Offender: David Carter Byrnes

Name of Sentencing Judicial Officer: The Honorable Joel A. Pisano, U.S. District Judge

Date of Original Sentence: 10/07/03

Original Offense: Conspiracy to Import More Than 100 grams of Heroin

Original Sentence: BOP 33 months to be followed by 4 years of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/14/05

Assistant U.S. Attorney: Jeffrey Chiesa

Defense Attorney: Angelo Scervidio, Esq. (Assigned)

**PETITIONING THE COURT**

- ☐ To issue a warrant  
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

1.                      The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

The offender was arrested by the Elizabeth Police Department on April 4, 2006 and charged with Possession of Drug Paraphernalia as well as a Contempt warrant from Fairview, New Jersey.

2.                      The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

The offender failed to contact the probation officer by telephone on February 11, 2006 as directed. The offender also failed to report to the probation office as directed on February 26, 2006.

3. The offender has violated the supervision condition which states '**You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.**'

The offender failed to advise the probation officer that he was arrested by the Elizabeth Police Department on April 4, 2006 within the prescribed 72 hour period.

I declare under penalty of perjury that the foregoing is true and correct.

*EJS*

*Edw J. Irwin*  
By: Edward J. Irwin  
U.S. Probation Officer  
Date: 04/11/06

THE COURT ORDERS:

- ☐ The Issuance of a Warrant  
☒ The Issuance of a Summons. Date of Hearing: 5/1/06 @ 11:00 AM  
☐ No Action  
☐ Other

*[Signature]*  
\_\_\_\_\_  
Signature of Judicial Officer

4/17/06  
\_\_\_\_\_  
Date

**UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY**

**CHRISTOPHER MALONEY**  
CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICERS  
**ERIC K. SNYDER**  
**MATTHEW F. MILLER**

April 11, 2006

**SUPERVISION UNIT  
20 WASHINGTON PLACE  
6<sup>TH</sup> FLOOR  
NEWARK, NJ 07102-3172  
(973) 645-6161  
FAX: (973) 645-2155**

The Honorable Joel A. Pisano,  
U.S. District Judge  
U.S. Courthouse and Post Office Building  
Newark, New Jersey 07102

**RE: BYRNES, David Carter**  
**Dkt#: 02-00827-001**  
**Supervised Releasee**  
**REQUEST FOR VIOLATION OF SUPERVISED**  
**RELEASE HEARING.**

Dear Judge Pisano:

The above-named offender appeared before Your Honor for sentencing on October 7, 2003 on a charge of Conspiracy to Import More Than 100 grams of Heroin. At that time, the offender was sentenced to the U.S. Bureau of Prisons for a term of thirty-three (33) months to be followed by four (4) years of supervised release. The following special conditions were imposed:

- 1) The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, if directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.
- 2) The defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.

The purpose of this letter is to report that the offender has allegedly violated the following conditions of his supervised release:

- 1) The offender was arrested by the Elizabeth Police Department on April 4, 2006 for Possession of Drug Paraphernalia and a Contempt warrant from Fairview Municipal Court.
- 2) The offender failed to report as directed on February 11, 2006 and February 24, 2006.
- 3) The offender failed to advise the probation office within the prescribed 72 hour period that he was arrested on April 4, 2006 in Elizabeth, New Jersey.

The Honorable Joel A. Pisano,

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April 11, 2006

The offender has a significant and extensive criminal record, and has a long standing drug problem as evidenced by his recent arrest involving Possession of Drug Paraphernalia. The offender has not been in recent contact with the probation office, and due to the aforementioned violations of supervised release, we will be requesting a violation of supervised hearing before Your Honor.

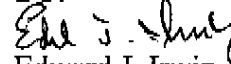
Enclosed please find the Probation 12C Petition citing the specific violations of supervised release. Please sign the second page of the form, and kindly order a hearing date.

Should Your Honor require further information or wish to discuss this matter, please contact the undersigned officer at (973) 645-6243.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief  
U.S. Probation Officer

BY:

  
Edward J. Irwin

U.S. Probation Officer

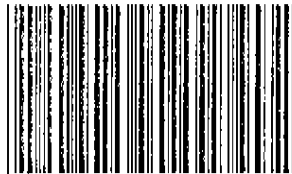


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JNELSON



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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2006 APR 17 P 5:23

UNITED STATES  
DISTRICT COURT

UNITED STATES OF AMERICA :

:

CRIMINAL NO. 05-648

:

v. :

:

CONSENT ORDER FOR  
CONTINUANCE

:

PERRY BOYKINS :

This matter having come before the Court on the application of Perry Boykins, defendant in the captioned matter by his attorney, Lorraine Gauli-Rufo, Esq., Assistant Federal Public Defender, with the consent of Hallie Mitchell, Assistant United States Attorney, for an order granting a stay and continuance in the above-captioned proceedings from April 25, 2006 through May 16, 2006, and the defendant being aware that he has the right to have the matter submitted to a jury for trial within seventy days of the date of his indictment pursuant to Title 18 of the United States Code, Section 3161(c), and it appearing that the defendant waives such right, and for good cause shown,

IT IS THE FINDING OF THIS COURT that the trial in this matter shall be continued until May 19, 2006; or on on a date to be set by the Court, for the following reasons:

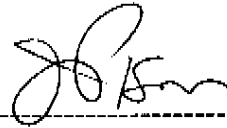
1. Plea negotiations are in progress between the parties and additional time is necessary to work toward reaching a plea agreement, which would render trial of this matter unnecessary;
2. Defendant has consented to the aforementioned continuance; and
3. The grant of a continuance will likely conserve judicial resources. Pursuant to Title 18

of United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, it is on the <sup>17<sup>th</sup></sup> Day of April 2006,

ORDERED that the proceedings scheduled in the above-captioned matter be continued from April 25, 2006 through May 16, and

IT IS FURTHER ORDERED that the period from April 25, 2006 through May 16, 2006, shall be excluded in computing time under the Speedy Trial Act of 1974.



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HONORABLE JOEL A. PISANO  
United States District Judge